

(2024) 02 OHC CK 0241

In the Orissa High Court

Case No : Writ Petition (C) No. 3087 Of 2024

Kapilas Higher Secondary School, Dhenkanal

APPELLANT

Vs

Employees Provident Fund Commissioner, Bhubaneswar &
Ors

RESPONDENT

Date of Decision : 27-02-2024

Acts Referred:

Citation : (2024) 02 OHC CK 0241

Hon'ble Judges : Dr. S.K. Panigrahi, J

Bench : Single Bench

Advocate : Janmejaya Katikia, Aurovinda Mohanty

Final Decision : Disposed Of

Judgement

Dr. S.K. Panigrahi

1. This matter is taken up through hybrid arrangement.

2. In filing this Writ Petition, the Petitioner being a Block Grant College, has challenged the action of the Employees' Provident Fund Commissioner, Bhubaneswar as well as the Recovery Officer, Employees' Provident Fund Commission/ Opposite Party Nos.1 & 2 respectively regarding freezing of the accounts maintained with the Opposite Party Nos.3 & 4/Banks. Apart from this challenge, the Petitioner has also challenged the action of the Opposite Party No.1 in taking away the money deposited in the S.B. Account No.09370100001797.

3. The Petitioner also challenges the notice of demand bearing No.666 dated 16.05.2023 for recovery of an amount of Rs.29,15,315/-, which is claimed to be arrears for the period from 03/2009 to 02/2022.

4. Challenging the action of the Opposite Party Nos.1 & 2 learned counsel for the Petitioner submits that since the Petitioner is a Block Grant College, for the financial requirement it depends on the Department of School & Mass Education,

Government of Odisha. Therefore, it is practically difficult on the part of the Petitioner to arrange the above noted huge amount in one go.

5. In the circumstance, learned counsel for the Petitioner seeks a direction from this Court to the Employees' Provident Fund Commissioner, Bhubaneswar/ Opposite Party No.1 for permitting the Petitioner to pay the entire amount in four equal quarterly installments.

6. In his opposition, learned counsel for the Opposite Party No.1 objects the above prayer of the Petitioner on the premises that there is no provision in law, which allows payment of dues in quarterly installments, more specifically when the accounts are attached.

7. At this juncture, learned counsel for the Petitioner submits that if the Petitioner is not allowed to deposit the above noted huge amount in installments, it is practically difficult on the part of the Petitioner to deposit the said amount in one go as the Petitioner is dependent on the grant from the Government.

8. He further submits that the Petitioner has no independent source of income except from the tuition fees from the students.

9. Considering all the facts and circumstances of the case narrated hereinabove, on perusal of the documents attached herewith and also hearing the submissions of both the parties, this Court is of the view that since the Petitioner/College depends on the Government for financial requirement, the Petitioner should be permitted to pay the above noted amount along with interest in installments.

10. In the process, this Court directs the Petitioner to approach the Employees' Provident Fund Commissioner, Bhubaneswar/ Opposite Party No.1 along with first installment within a period of fifteen days hence and submit an affidavit stating the plan of payment date-wise. The Petitioner should also undertake in the said affidavit regarding payment of interest till the final payment. Accordingly, the Employees' Provident Fund Commissioner, Bhubaneswar/Opposite Party No.1 shall instruct the concerned Bank authorities to defreeze the account of the Petitioner, so that the Petitioner can operate the said account.

11. It is further clarified that the Petitioner shall sincerely pay the current E.P.F. dues without fail. As a special case, considering the crippled revenue generation service of an Organization like the Petitioner, this Court also directs that the penal damage may be waived.

12. This Writ Petition is, accordingly, disposed of.

.....